

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

RICHARD F. REYNOLDS,
PEITITIONER,

vs.

PETE BLUDWORTH; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Defendants.

CV 22-22-H-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on March 31, 2022 (Doc. 3). Judge Johnston recommended that Mr. Reynolds's petition should be dismissed without prejudice as unexhausted; that the Clerk of Court should be directed to enter judgment of dismissal; and that a certificate of appealability should be denied.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left

with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston’s Findings and Recommendations and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. Mr. Reynolds’s petition (Doc. 1) is **DISMISSED** without prejudice as unexhausted.
2. The Clerk of Court is directed to enter judgment of dismissal.
3. A certificate of appealability is **DENIED**.

DATED this 7th day of June, 2022.



Brian Morris, Chief District Judge
United States District Court